

Appl. No. 10/707,515
Amdt. dated January 26, 2006
Reply to Office action of November 23, 2005

REMARKS

Present Status of Application

5 The Examiner is thanked for the thorough examination of the present application. The Office Action, however, rejected claims 1, 4-6 and 9 under 35 U.S.C. 102(b) as being unpatentable over Fujimura (U.S. Patent Number 5,963,528).

Applicant has amended claims 1 and 9 and canceled claims 6-8 without prejudice. Claims 1-5 and 9-11 are now currently pending. Entry of the amendments, and reexamination and allowance of the pending claims are respectfully requested.

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Discussion of Office Action Rejections

The Office Action rejected claims 1, 4-6 and 9 under 35 U.S.C 102(b) as allegedly anticipated by US patent 5,963,528 to Fujimura. Applicant respectfully traverses this rejection for at least the reasons below.

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Independent claim 1 (as amended) recites:

1. A locking mechanism for an external optical disk drive with a cover and an upper housing, comprising:

an elastic member, having a first and a second connecting ends;

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a rotary shaft, integrally formed with the cover and having a hole adapted to receive the first connecting end and a connecting portion;

a locking member, positioned on the upper housing; and

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a mounting member, positioned on the upper housing and adapted to fasten the second connecting end and receive the connecting portion, wherein the rotary shaft is pivotally coupled to the mounting member by the connecting portion,

wherein when the cover is closed, the first connecting end of

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the elastic member is directed to the connecting portion of the rotary shaft. (emphasis added)

The Office Action alleged that Fujimura et al disclose a locking mechanism for an external optical disk drive with a cover (Figure 2, item 6) and an upper housing (Figure 2, item 5) comprising an elastic member having two connecting ends (Figure 21, item 28), wherein one end is received in a hole disposed on a rotary shaft formed with the cover (Figure 21, item 27a) and the other end is fastened on a mounting member positioned on the upper housing (Figure 21, item 22c).

However, the rejection is moot in view of the amendment to claim 1. As amended, independent claim 1 defines a locking mechanism for an external optical disk drive with a cover and an upper housing comprising an elastic member having two connecting ends which are respectively received in a hole disposed on a rotary shaft formed with the cover and a mounting member positioned on the upper housing, wherein the rotary shaft is pivotally coupled to the mounting member by a connecting portion and when the cover is closed, the first connecting end of the elastic member is directed to the connecting portion of the rotary shaft.

Further, one object of the present invention is to eliminate deformation of the cover when the cover is closed. As the amended claim 1, the connecting end of the elastic member received on the rotary shaft is directed to the connecting portion of the rotary shaft so as to form a dead point when the cover is closed as shown is FIG. 6A and 6B. Therefore, the torsional moment of the elastic member does not apply on the rotary shaft of the cover, and the cover will not be damaged by the torsional moment when the cover is closed.

In contrast, the Fujimura reference fails to teach about one end of the elastic member is directed to the connecting portion of the rotary shaft when the cover is closed, therefore, to

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form a dead point to eliminate the torsional moment applied on the cover. In fact, the elastic member in the Fujimura reference applies spring force on the cover all the time, even when the cover is closed. Please refer to column 6, lines 15-30 in the Fujimura reference, Fujimura discloses a torsion spring, which has one end engaged with the bracket portion and the other end engaged with the frame gear. Moreover, when the open/close cover is in the closed position, a spring force of the torsion acts to rotationally urge the frame gear in a clockwise direction about the shaft to maintain the open/close cover in the closed position. As a force applies on the cover, the deformation and damage of the cover will happen.

10 Therefore, the torsion spring disclosed by Fujimura is not directed to the connecting portion of the rotary shaft when the cover is closed. Furthermore, the torsion spring disclosed by Fujimura can not achieve the object mentioned in the application, even the torsion spring disclosed by Fujimura will result in the problem that Applicant want to overcome in the application. Therefore, Fujimura reference fails to disclose all of the claimed elements of claim 1, and claim 1 (as amended) should be allowed for at least the reasons.

20 With regard to independent claim 9, this claim has been amended similar to claim 1. Therefore, it patently defines over the Fujimura reference for at least the same reasons as claim 1.

As claims 2-5 depend from claim 1 and claims 10-11 depend from claim 9, they patently define over the Fujimura reference for at least the same reasons.

25 Claims 6-8 are canceled without prejudice.

Conclusion

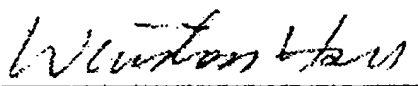
Accordingly, Applicant respectfully submit the claims 1-5 and 9-11 to overcome the

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rejection under 35 U.S.C 102(b). Specifically, the present application cannot be anticipated by Fujimura. In view of foregoing, it is believed that all pending claims are in proper condition for allowance.

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Sincerely yours,

10  Date: 01/26/2006

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